

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AVKO EDUCATIONAL RESEARCH
FOUNDATION, INC., et al.,

Plaintiffs,

Case Number 11-13381
Honorable Thomas L. Ludington

v.

THOMAS MORROW, et al.,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION FOR DEFAULT, GRANTING
PLAINTIFFS' MOTION TO AMEND COMPLAINT, AND DENYING OTHER
PENDING MOTIONS AS MOOT**

On December 5, 2011, Defendants filed a motion for default, contending that entry of default is appropriate because Plaintiffs did not file their answer to Defendants' counterclaims until thirty-seven days after being served. Defendants do not allege that they suffered any prejudice as a result of Plaintiffs' untimely filing and Plaintiffs have demonstrated an intent to defend against Defendants' counterclaims. Accordingly, it is **ORDERED** that Defendants motion for default (ECF No. 37) is **DENIED**.

Also before the Court is Plaintiffs' motion to file an amended complaint. For the reasons stated on the record at the March 23, 2012, hearing, it is hereby **ORDERED** that Plaintiffs' motion to amend the complaint (ECF No. 43) is **GRANTED**. Plaintiff's amended complaint (ECF No. 70) is accepted as filed. It is further **ORDERED** that the accompanying exhibits docketed as separate motions to amend the complaint (ECF Nos. 44, 45, 46, 47, and 48) are **DENIED AS MOOT**.

It is further **ORDERED** that the exhibits docketed in support of Plaintiffs' motion for order

to show cause (ECF No. 13) is **DENIED AS MOOT** because Plaintiffs' motion for order to show cause was denied on March 27, 2012. Defendants' motion to strike exhibits referenced in Plaintiffs' motion for order to show cause (ECF No. 30) is likewise **DENIED AS MOOT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 4, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 4, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS